

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JESSIE GREEN,

Petitioner,

vs.

WILLIS CHAPMAN,

Respondent.

2:18-CV-13452-TGB

**ORDER GRANTING MOTION
TO AMEND OR CORRECT
THE RECORD**

Before the Court is petitioner's motion to amend or correct the record (ECF No. 37). For the reasons that follow, the motion is **GRANTED**.

Jessie Green filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254, which was denied with prejudice on January 31, 2020. *Green v. Chapman*, No. 18-CV-13452-TGB, 2020 WL 514717 (E.D. Mich. Jan. 31, 2020). The United States Court of Appeals for the Sixth Circuit denied petitioner a certificate of appealability and dismissed the appeal. *Green v. Chapman*, No. 20-1158, 2020 WL 4875317 (6th Cir. June 29, 2020), *cert. denied*, 209 L. Ed. 2d 765 (May 17, 2021).

Petitioner filed a motion to correct the record to reflect that the notice of appeal was filed on February 9, 2020 and not on February 19, 2020.

A district court has the power to correct the record regarding the date that a notice of appeal was filed. *See Garrett v. Moore McCormack Res., Inc.*, 1996 WL 733125, *1, 104 F.3d 361 (6th Cir. Dec. 18, 1996) (Table). Under the prison mailbox rule, a notice of appeal is considered filed with the court when a prisoner signs and dates the notice and places it in the prison mail system for delivery to the court. *See Houston v. Lack*, 487 U.S. 266, 270-71 (1988). The Court will correct the record and direct the Clerk of the Court to amend ECF No. 29 of the Court's docket to reflect that the notice of appeal was filed on February 9, 2020.

IT IS THEREFORE ORDERED that the motion to correct the record (ECF No. 29) is **GRANTED**.

DATED this 14th day of September, 2021.

BY THE COURT:

/s/Terrence G. Berg
TERRENCE G. BERG
United States District Judge